

RECEIVED

## PATENT COOPERATION TREATY

OCT 07 2002

From the INTERNATIONAL SEARCHING AUTHORITY

SNELL & WILMER  
PCTNOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

To: HOWARD I. SOBELMAN SNELL & WILMER L.L.P. ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 85004-2202
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Applicant's or agent's file reference 40655.3616 40655.3600	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US02/08408	International filing date (day/month/year) 18 March 2002 (18.03.2002)
Applicant AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY	

Date of Mailing (day/month/year)	02 OCT 2002
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1.  The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner for Patents Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Emanuel Todd Voeltz Telephone No. 703-305-3900
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 40655.3616	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US02/08408	International filing date (day/month/year) 18 March 2002 (18.03.2002)	(Earliest) Priority Date (day/month/year) 29 March 2001 (29.03.2001)
Applicant AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2.  Certain claims were found unsearchable (See Box I).

3.  Unity of invention is lacking (See Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 1



as suggested by the applicant.



None of the figures



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/08408

### Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The abstract is too long (PCT Rule 8.1(b)). The abstract must be less than 150 words, or 200 words when no figure is to be published.

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

#### NEW ABSTRACT

A system (100) for implementing a loyalty program on a network-wide level is disclosed. The system associates UPC and SKU data on a network level to reward consumers and/or to analyze the data for a variety of business purposes. According to one aspect of the invention, the association of UPC and SKU data by the system facilitates implementation of an incentive or loyalty program by providing a universal rewards currency. This universal rewards may be "spent" by participants who have earned rewards and accepted by the other participants in the multi-tiered network created by the system. The network may comprise any number of participants, including consumers (118), retailers (104), manufacturers (106) and third-party providers. Additionally, the association of UPC and SKU data by the system facilitates data analysis on a network level based upon several factors. The system may compile any of the above data across multiple entities for the purpose of data analysis.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/08408

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06F 17/60

US CL : 705/14

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/7, 10, 14, 39, 40, 41

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) loyalty, incentive, reward, program, credit, currency, data, analyz\$, implement\$.

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A,E	US 2002/0062253 A1 (DOSH, JR. et al.) 23 May 2002 (23.05.2002); see abstract; page 3, paragraphs 28 and 36.	1-67
X,E	US 2002/0082918 A1 (WARWICK) 27 June 2002 (27.06.2002); see abstract; page 1, paragraph 5.	1-67
X,E	US 2002/0082920 A1 (AUSTIN et al.) 27 June 2002 (27.06.2002); see abstract; page 1, paragraph 2	1-67
✓ X	US 5,025,372 A (BURTON et al.) 18 June 1991 (18.06.1991); see abstract; column 1, lines 10-60. <i>1st DS 4/17/01</i>	1-67
✓ A	US 6,061,660 A (EGGLESTON et al.) 09 May 2000 (09.05.2000); see abstract; column 5, lines 47-54; column 6, lines 31-46. <i>1st DS 4/17/01</i>	1-67
X	EP 0 308 224 A2 (BURTON et al.) 22 March 1989 (22.03.1989); see abstract.	1-67

Further documents are listed in the continuation of Box C.  See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means		
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search	Date of mailing of the international search report
02 July 2002 (02.07.2002)	<b>02 OCT 2002</b>
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Emanuel Todd Voeltz  Telephone No. 703-305-3900

## PATENT COOPERATION TREATY

RECEIVED

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
 HOWARD I. SOBELMAN  
 SNELL & WILMER L.L.P.  
 ONE ARIZONA CENTER  
 400 EAST VAN BUREN  
 PHOENIX, AZ 85004-2202

OCT 07 2002

PCT  
SNELL & WILMERNOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

		Date of Mailing (day/month/year) 10.2.02
Applicant's or agent's file reference 40655.3616 40655.3600	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. PCT/US02/08408	International filing date (day/month/year) 18 March 2002 (18.03.2002)	
Applicant AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY		

1.  The applicant is hereby notified that the international search report has been established and is transmitted herewith.

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The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

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**Where?** Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

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Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Commissioner for Patents Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	Authorized officer Emanuel Todd Voeltz Telephone No. 703-305-3900 
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## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty and of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

The claims only.

The description and the drawings may only be amended during international preliminary examination under Chapter II.

**When?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

#### What documents must/may accompany the amendments?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confounded with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

## PATENT COOPERATION TREATY

MAY 13 2003

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITYSNELL & WILMER  
PCT

## WRITTEN OPINION

(PCT Rule 66)

To: HOWARD I. SOBELMAN SENELL & WILMER L.L.P. ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, ARIZONA 85004-2202
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Date of Mailing (day/month/year)		
09 MAY 2003		
Applicant's or agent's file reference 40655.3616 <i>Starbuck</i>	REPLY DUE within TWO months from the above date of mailing	
International application No. PCT/US02/08408	International filing date (day/month/year) 18 MARCH 2002	Priority date (day/month/year) 29 MARCH 2001
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/10, 14, 26, 27		
Applicant AMERICAN EXPRESS TRAVEL RELATED SERVICES, INC.		

- This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:
  - I  Basis of the opinion
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application
- The applicant is hereby invited to reply to this opinion.
 

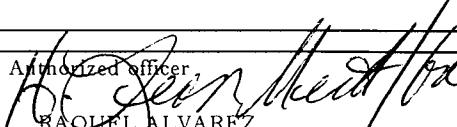
When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.8. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 29 JULY 2003

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231
Facsimile No. (703) 305-3230

Authorized officer  RAQUEL ALVAREZ
Telephone No. (703)305-8469

**I. Basis of the opinion**1. With regard to the **elements** of the international application:\* the international application as originally filed the description:

pages 1-28, as originally filed

pages 1-28, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

 the claims:

pages 1-41, as originally filed

pages 39-41, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

 the drawings:

pages 1-7, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing: contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE5.  This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims 1-67	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-67	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-67	YES
	Claims NONE	NO

**2. citations and explanations**

Claims 1-67 lack novelty under PCT Article 33(2) as being anticipated by burton et al. (5,025,372).

With respect to claims 1-67, Burton teaches a method for implementing a loyalty program (abstract). Receiving and storing manufacture item identifiers (Abstract and col. 1, lines 10-60); receiving and processing a consumer ID (Abstract and col. 1, lines 10-60); receiving and processing purchase data, wherein said purchase data comprises a retailer item identifier (Abstract and col. 1, lines 10-60); associating said consumer ID, said purchase data, and a manufacturer item identifier; and performing an analysis that is dependent upon the step of associating said consumer ID, said purchase data, and said manufacturer item identifier (Abstract and col. 1, lines 10-60)

----- NEW CITATIONS -----  
NONE

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.